

**REMARKS**

(1) Claims 1, 3 and 4 are pending in this application. No amendment has been made in this Response.

(2) Claims 1, 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over DE Pat No. 3,841,203 to Obermayer et al in view of US Pat No. 5,263,444 to Prior et al.

(i) Obermayer et al.

Contrary to the Examiner's statement at page 2, last lines 2 of the Office Action, Obermayer et al. do not teach the enlarged recesses provided only in one of the first and second case halves of the present invention. Obermayer et al. teach a cup-like recess 12 formed for receiving an end of the toroidal sealing ring 6 (page 3, lines 16-23 of the translation, and Fig. 4). The sealing piece 11, as described at page 3, line 18 of the translation, is ring-shaped as shown in Figs. 4 and 5. The cup-like recess 12 is disclosed to have a perforation 14 through which the end of the toroidal sealing ring 6 is extended (page 3, lines 18-19 of the translation). Moreover, the sealing shoulder 16, which is a part of the sealing piece 11 shaped into a ring, is located symmetrically in the sealing joint of the crankcase parts 1', 1'' (page 3, lines 21-23 of the translation).

Thus, the enlarged recesses 7 of Obermayer et al. must be symmetrically formed both in the

two crankcase parts 1', 1," because the sealing shoulder 16 or the sealing piece 11 must be located symmetrically in the sealing joint of the crankcase parts 1', 1" (page 3, lines 21-23 of the translation). Therefore, the enlarged recesses 7 are formed both on the crankcase parts or case halves.

In addition, Obermayer et al. merely suggest that the toroidal sealing ring is held in a receiving groove of at least one of the flanges of the two crankcase parts (page 2, lines 5-9) as asserted by the Examiner, but Obermayer et al. do not suggest that the receiving groove is formed only in one of the two crankcase parts. Rather, the teaching of Obermayer et al. is directed to forming the receiving grooves both in the two crankcase parts. According to the rest of the disclosure of Obermayer et al., the sealing shoulder 16 or the sealing piece 11 is symmetrically located in the sealing joint of the crankcase parts 1', 1" (page 3, lines 21-23). Thus, the sealing groove 5 for receiving the toroidal sealing ring 6 must be formed symmetrically both in the crankcase parts 1', 1", because the cup-like recess 12 for receiving the sealing piece 11 has the perforation 14 through which the end of the toroidal sealing ring 6 is extended (page 3, lines 18-20 of the translation). Although not mentioned in Obermayer et al., the horizontal line drawn in Fig 5 is considered to be the interface of the crankcase parts 1', 1", the horizontal line crossing the center of the recess 7. Therefore, it is evident that the teachings of Obermayer et al. are directed to forming the receiving grooves both on the two crankcase parts. There is no suggestion how to modify the embodiment of Obermayer et al. into a configuration that a receiving groove is formed on only one of the two crankcase parts (page 2, lines 5-9). Since the radius of the sealing piece 11

is larger than that of the toroidal sealing ring 6, it should be difficult, in the teachings of Obermayer et al., to house the sealing piece 11, unless the recesses are formed symmetrically both in the two crankcase halves. Also, it should be unobvious for one skilled in the art to modify the teachings into the configuration of the present invention.

(ii) Prior et al.

As disclosed at col. 2, lines 46-49, the seal 30 is received in grooves 40 extending from the recesses 28 and formed in the mating surfaces 14 and 16 of the upper and lower crankcase members 10 and 12. Also, as disclosed in col. 2, lines 30-37, the recesses 28 are taught to be formed both on the T-joints 26 of the upper and lower crankcase members 10 and 12.

Thus, the teachings of Prior et al. are directed to the grooves 40 and the recesses 28, which are formed both on the upper and lower crankcase members 10 and 12.

(iii) On the contrary, the U-shaped seal groove of the present invention is provided on only one of the joint surfaces of the first and second case halves, as recited in claim 1. Also, the enlarged recesses of the present invention are provided only on the one of the joint surfaces of the first and second case halves. Neither of the references teaches these features of the present invention. Thus, even if combining the references, the invention of claims 1, 3 and 4 cannot be obtained. The rejection of claim 1 under 35 U.S.C. §103(a) is not supported by the combination of the references. Reconsideration of the rejection is respectfully requested.

Application No. 09/901,566  
Response dated October 29, 2004  
Reply to Office Action of June 29, 2004

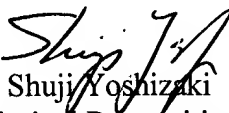
(3) In view of the above, claims 1, 3 and 4 are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

  
Shuji Yoshizaki  
Limited Recognition

SY/mt  
1250 Connecticut Avenue, N.W., Suite 700  
Washington, DC 20036  
Tel: (202) 822-1100  
Fax: (202) 822-1111

Attachment: Limited Recognition